

*Special Counsel for Irving H. Picard, Trustee  
for the Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities LLC  
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

## SECURITIES INVESTOR PROTECTION CORPORATION.

Adv. Pro. No. 08-01789 (SMB)

**Plaintiff.**

## SIPA LIQUIDATION

V.

### (Substantively Consolidated)

**BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,**

**Defendant.**

In re:

BERNARD L. MADOFF.

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC.

Adv. Pro. No. 10-03485 (SMB)

**Plaintiff,**

V.

MADOFF FAMILY LLC, THE ESTATE OF  
MARK D. MADOFF, ANDREW H. MADOFF, as  
Executor of the Estate of Mark D. Madoff, THE  
ESTATE OF ANDREW H. MADOFF and MARTIN  
FLUMENBAUM, solely in his capacity as Executor  
of the Estate of Andrew H. Madoff.

### Defendants.

**NOTICE OF MOTION TO SUBSTITUTE DAVID BLUMENFELD FOR  
DECEASED DEFENDANT ANDREW MADOFF, AS EXECUTOR OF THE  
ESTATE OF MARK D. MADOFF, IN THIS PROCEEDING**

PLEASE TAKE NOTICE that Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities, LLC and the estate of Bernard L. Madoff, by and through his undersigned counsel, will move before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at the United States Bankruptcy Court, the Alexander Hamilton Customs House, One Bowling Green, Courtroom 723, New York, New York 10004, on **May 18, 2016 at 10:00 a.m.**, or as soon thereafter as counsel may be heard, for an order pursuant to Rule 25 of the Federal Rules of Civil Procedure, as incorporated in this proceeding by Rule 7025 of the Federal Rules of Bankruptcy Procedure, granting the Trustee’s motion to substitute David Blumenfeld for deceased defendant Andrew Madoff, in his capacity as Executor of the Estate of Mark D. Madoff, in this proceeding, on the grounds and for the reasons set forth in the accompanying Memorandum of Law in Support of the Trustee’s Motion to Substitute David Blumenfeld for Deceased Defendant Andrew Madoff, as Executor of the Estate of Mark D. Madoff, in this Proceeding.

PLEASE TAKE FURTHER NOTICE that any responses or objections to this Motion must be: (i) in writing, conforming to the applicable rules of this Court, and be filed with the Clerk of the United States Bankruptcy Court, One Bowling Green, New York, New York 10004, in accordance with General Order M-399 and the electronic filing procedures for the United States Bankruptcy Court for the Southern District of New York (available at [www.nysb.uscourts.gov](http://www.nysb.uscourts.gov)), by no later than **5:00 p.m. on May 11, 2016** (the “Objection Deadline”) (with a courtesy copy delivered to the Chambers of the Honorable Stuart M. Bernstein), and (ii) served upon (a) Windels Marx Lane & Mittendorf, LLP, 156 West 56th Street, New York, New York 10019, Attn: Howard L. Simon; and (b) Securities Investor

Protection Corporation, 1667 K Street, N.W., Suite 1000, Washington, D.C. 20006, Attn: Kevin H. Bell., so as to be received by no later than the Objection Deadline.

PLEASE TAKE FURTHER NOTICE that a proposed Order is submitted herewith.

PLEASE TAKE FURTHER NOTICE that if no responses or objections are timely filed and served with respect to the Motion, the Motion shall be deemed uncontested and an order granting the requested relief may be entered with no further notice or opportunity to be heard offered to any party.

Dated: New York, New York  
April 8, 2016

By: /s/ Howard L. Simon  
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